

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SUPERSEDING INFORMATION

- v. - : S3 11 Cr. 227 (AKH)

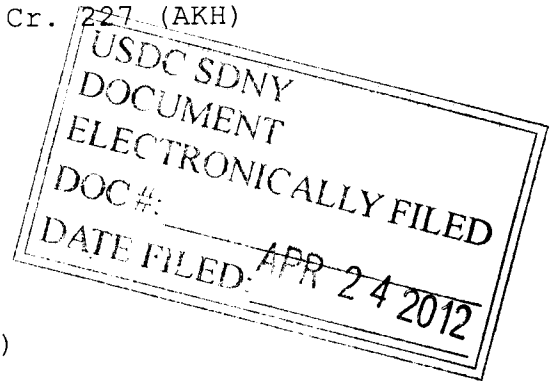
DAVID GRIFFITHS, :

Defendant. :

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COUNT ONE

(False Statements)



The United States Attorney charges:

1. From in or about June 2009, up to and including the present, in the Southern District of New York and elsewhere, DAVID GRIFFITHS, the defendant, in a matter within the jurisdiction of the executive and judicial branches of the Government of the United States, willfully and knowingly, did falsify, conceal, and cover up by trick, scheme, and device a material fact; make materially false, fictitious, and fraudulent statements and representations; and make and use false writings and documents knowing the same to contain materially false, fictitious, and fraudulent statements and entries, to wit, in response to a Grand Jury subpoena, GRIFFITHS, while serving as the Executive Director of a not-for-profit corporation (the "Not-for-Profit"), provided the Federal Bureau of Investigation ("FBI") with documents that falsely represented discussions and actions taken by the Board of Directors of the Not-for-Profit

regarding payments by the Not-for-Profit to GRIFFITHS and the finances of the Not-for-Profit.

(Title 18, United States Code, Section 1001.)

COUNT TWO

(Obstruction of Justice)

The United States Attorney further charges:

2. From in or about June 2009, up to and including the present, in the Southern District of New York and elsewhere, DAVID GRIFFITHS, the defendant, willfully, knowingly, and corruptly, did obstruct, influence, and impede official proceedings and attempt to do so, to wit, in response to a Grand Jury subpoena, GRIFFITHS provided the FBI with documents that he knew contained false and misleading statements and representations.

(Title 18, United States Code, Section 1512(c)(2).)

COUNT THREE

(Mail Fraud)

The United States Attorney further charges:

3. On or about September 13, 2010, in the Southern District of New York and elsewhere, DAVID GRIFFITHS, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such

scheme and artifice and attempting so to do, did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail and such carriers, according to the directions thereon, such matters and things, to wit, in connection with an attempt to obtain grant money from the Dormitory Authority of the State of New York (the "Dormitory Authority") for the Not-for-Profit, GRIFFITHS made materially false representations in answers to questions and in information provided on a Grantee Questionnaire that GRIFFITHS sent by U.S. Mail from an address in the Southern District of New York to the Dormitory Authority, including that, within the past five years, neither the Not-for-Profit, the Not-for-Profit's directors or officers, nor the Not-for-Profit's affiliates or related companies had been the subject of: (i) a criminal investigation; (ii) a civil investigation by federal, state, or local government; and/or (iii) an unsatisfied tax lien or judgment.

(Title 18, United States Code, Section 1341.)

FORFEITURE ALLEGATION

4. As a result of committing the offenses alleged in Counts One, Two, and Three of this Superseding Information, DAVID

GRIFFITHS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including, but not limited to, a sum in United States currency representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value;
or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and
Title 28, United States Code, Section 2461.)

A handwritten signature in black ink, appearing to read "Preet Bharara", is written above a horizontal line.

PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID GRIFFITHS,

Defendant.

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(18 U.S.C. §§ 1001,
1512(c)(2), and 1341.)

PREET BHARARA

United States Attorney.

4/24/12

Waiver + S3 information filed. Arraignment held.
~~ANAKA~~ Def's pres. w/atty. Jared Scharff, AUSAs
Justin Anderson + Carrie Cohen pres, Court reporter
Tom Murray pres; Def't arraigned on S3 information;
Def't enters a plea of not guilty. FRTC held;
Trial ~~set~~ previously set for 5/1/12 @ 10:00 am.
Def't cont'd on bond.

Hellerstein, J